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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 UNITED STATES OF AMERICA,) CASE NO. CR03-094-MJP
08)
08 Plaintiff,)
09)
09 v.) SUMMARY REPORT OF U.S.
10) MAGISTRATE JUDGE AS TO
10 PAUL ALTON MATTHEWS,) ALLEGED VIOLATIONS
11) OF SUPERVISED RELEASE
11 Defendant.)
12 _____)

13 An evidentiary hearing on supervised release revocation in this case was scheduled before
14 me on April 20, 2006. The United States was represented by AUSA Kathryn K. Frierson and
15 the defendant by William T. Hines. The proceedings were digitally recorded.

16 Defendant had been sentenced on or about July 17, 2003 by the Honorable Marsha J.
17 Pechman on a charge of Conspiracy to Possess Stolen Mail and to Produce False Identification
18 Documents Without Lawful Authority, and sentenced to 104 days custody (time served), 3 years
19 supervised release. (Dkt. 68.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant reside in a community corrections center for up to 3 months subject to locating an
22 appropriate residential situation, participate in a drug treatment and testing program, abstain from

01 alcohol, submit to search, provide access to financial information, allow inspection of his personal
02 computer and monitoring of any computer used in his employment, no new credit, do not possess
03 any identification documents in any but his true identity, and pay restitution in the amount of
04 \$2,993.00.

05 On April 9, 2004, defendant admitted to violating the conditions of supervised release by
06 committing the crime of driving while license was suspended, failing to notify the probation officer
07 of contact with law enforcement within 72 hours, failing to report to the probation officer as
08 directed, using methamphetamine, failing to report for drug testing as directed, failing to report
09 for drug treatment, and failing to make restitution payments. (Dkt. 77). Defendant was sentenced
10 to serve 60 days in custody, with 33 months supervised release. Defendant was ordered to
11 participate in inpatient drug treatment at Pioneer Center North, reside in a halfway house for up
12 to 4 months, participate in a mental health program and take medications as prescribed. (Dkt. 82.)

13 On June 25, 2004, defendant admitted to violating the conditions of supervised release
14 by failing to report to his probation officer and failing to report to the halfway house. (Dkt. 92.)
15 He was sentenced to 90 days in custody, 30 months supervised release. (Dkt. 96.) Supervised
16 release was modified on January 27, 2006 to require residence in a home confinement program
17 with electronic monitoring for up to 90 days. (Dkt. 106).

18 In an application dated March 23, 2006 (Dkt 113), Supervising U.S. Probation Officer
19 Steven M. McNickle alleged the following violations of the conditions of probation:

20 1. Failing to participate in the home confinement program by deviating from his
21 approved schedule on March 16 and March 17, 2006 in violation of condition #3 of his home
22 confinement conditions and in violation of a special condition of his supervised release.

3. Using methamphetamine on or before March 17, 2006 in violation of standard condition 7.

4. Failing to appear for drug testing on February 23, March 13, and March 16, 2006 in violation of special condition 1.

5. Failing to participate as instructed by the U.S. Probation Officer in a program approved by the probation office for treatment of drug dependency in violation of special condition 1.

6. Failing to allow the probation officer to monitor the defendant's use of employment computer in violation of special condition 6.

Defendant admitted alleged violations 1-5 and waived any evidentiary hearing as to whether they occurred. The United States moved to dismiss violation number 6.

I therefore recommend the Court find defendant violated his supervised release as alleged in violations 1-5, dismiss violation number 6, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Pechman.

Pending a final determination by the Court, defendant has been detained.

DATED this 20th day of April, 2006.


Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Marsha J. Pechman
AUSA: Katheryn K. Frierson
Defendant's attorney: William T. Hines
Probation officer: Steven M. McNickle